

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



NOV 17 2008

CLERK, US DISTRICT COURT, WDNY

FELIZ ORELVIS,

Plaintiff,

DECISION AND ORDER
05-CV-6498 CJS

vs.

THE STATE OF NEW YORK DEPARTMENT
OF CORRECTIONAL SERVICES, et al.,
Defendants.

On February 8, 2007, Plaintiff filed a motion [#32] to amend the complaint, to identify the John Doe Doctor as "Doctor Benjamin Agustin." Defendants did not oppose the application. On February 23, 2007, the Honorable Marian W. Payson, United States Magistrate Judge, issued a Report and Recommendation [#34], recommending, *inter alia*, that the Court grant the motion to amend [#32]. On October 17, 2008, the Court issued a Decision and Order [#52] adopting and affirming Judge Payson's Report and Recommendation. Accordingly, it is hereby

ORDERED, that the Clerk of the Court is directed to add Dr. Benjamin Agustin as a defendant in this action, and to cause the United States Marshal to serve a copy of the Summons, Complaint [#1], Motion to Amend [#32], Decision and Order [#52] and this Decision and Order upon Dr. Agustin without Plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in Plaintiff's favor.

SO ORDERED.

Dated: November 17, 2008
Rochester, New York

ENTER:

A handwritten signature in blue ink that reads "Charles J. Siragusa".
CHARLES J. SIRAGUSA
United States District Judge